

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FACTORY MUTUAL INSURANCE)	
COMPANY, d/b/a MUTUAL BOILER RE,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 8:09-cv-159
)	
NEBRASKA BEEF INC., and SOUTH)	
OMAHA INVESTORS PACK, L.L.C.,)	
)	
Defendants.)	

ORDER RE JOINT MOTION TO DISMISS SECOND CLAIM FOR RELIEF

THIS MATTER having come before the court upon the joint motion of the parties to dismiss Plaintiff's Second Claim for Relief (Declaratory Judgment Regarding Policy Rescission), and the court having considered the same,

IT IS HEREBY ORDERED that Plaintiff's Second Claim for Relief is dismissed *with prejudice*.

Dated this 20th day of October, 2009.

BY THE COURT:

/s Joseph F. Bataillon

DISTRICT COURT JUDGE
CHIEF JUDGE